

REMARKS

The Office Action mailed January 7, 2005 has been reviewed and carefully considered. Allowance of claims 5, 7, 9 and 10 and the indication of allowable subject matter for claim 6 by the Examiner is appreciated. Claims 1-3, 5-10, 19 and 20 remain pending, the independent claims remaining 1 and 7-9.

Claims 1, 3, 8 and 19-20 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,888,870 to Fujikawa et al. ("Fujikawa").

Claim 1 recites, "the auxiliary part is formed by an element which can be snapped onto the corresponding outer cutting member by its one side." The applicants respectfully submit that Fujikawa fails to disclose or suggest the above-quoted feature of the present claim 1.

The Office Action suggests that the Fujikawa ring frame 23 can be snapped onto the circular outer shearing foil 21.

Firstly, however, Fujikawa states that the foil 21 is "held on a ring frame 23" (Detailed Description, first paragraph). FIG. 4 in Fujikawa shows that the foil 21 appears to be bolted or screwed into the surrounding frame 23. Fujikawa makes no disclosure or suggestion that "the auxiliary part is formed by an element which can be snapped onto the corresponding outer cutting member by its one side."

Secondly, Fujikawa FIG. 4 shows the periphery of the foil 23 is disposed inwardly of one end of the frame 23. Referring to FIG. 4, if the Office Action envisions pushing the foil 21 upward into the frame 23, this appears to be unworkable at least because the lower portion of the frame extends further inward radially and would be

difficult to clear even if one were to assume sufficient flexibility in the foil. It is hard to imagine that such a scheme would be practical. Moreover, even if these difficulties could be ignored, it is unclear how the foil could be considered to “snap onto” the frame.

On the other hand, if the Office Action envisions pushing the foil 21 down from above the frame, the curvature of the foil appears insufficient to prevent the user from pinching his or her fingers. Moreover, if the Office Action envisions bolts snapping into registration with respective holes inside the frame 23, i.e., so that the foil 21 snaps into the frame, the bolts would presumably scratch against the inside of the frame as it is being maneuvered. In short, even if the foil 21 had sufficient resilience, and the assembly or user was particularly adept at flexing a foil having large radius of curvature so to match up the bolts with respective holes, the whole proposed design appears awkward and impractical. Also, even if all the above difficulties could be ignored, the foil 21 already makes contact with the frame before registration and therefore ends up snapping into, rather than onto, the frame. In addition, by the placement of the bolt so far at the periphery of the foil 21, FIG. 4 suggests that no such flexing of the foil to fit into the frame 23 has occurred. Finally, it is unclear that such a flexing of the foil to position bolts would lead to a stable arrangement of the foil.

It is accordingly unclear how it fairly can be said that Fujikawa discloses or suggests that the foil 21 “can be snapped onto” the frame 23.

For at least the above reasons, Fujikawa fails to anticipate the present invention as recited in claim 1.

Claim 2 stands rejected under 35 U.S.C. 103(a) as unpatentable over Fujikawa.

Claim 2 depends from claim 1, and Fujikawa fails to render obvious the present invention as recited in claim 2 for at least the same reasons set forth above with regard to claim 1.

Each of the other rejected claims depends from base claim 1 which has been shown to be patentable over Fujikawa and is likewise deemed to be patentable.


Reconsideration and withdrawal of the rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross
Registration No. 40,007

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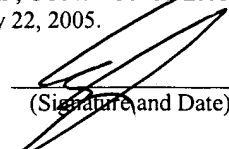
By: 
Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Russell Gross, Registration No. 40,007
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)